

**Representative Roger E. Barrus** proposes the following substitute bill:

**PUBLIC WATER SYSTEMS AMENDMENTS**

2002 GENERAL SESSION

STATE OF UTAH

**Sponsor: Roger E. Barrus**

**This act modifies the Safe Drinking Water Act. The act defines a functionally separate water system. The act allows voters in a county, municipality, or water district the option to vote to add fluoride to or remove fluoride from the public water supply. The act makes technical corrections.**

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**19-4-111**, as last amended by Chapter 181, Laws of Utah 2000

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **19-4-111** is amended to read:

**19-4-111. Fluorine added to water -- Election required.**

(1) As used in this section, "functionally separate" means that a public water system, not including a wholesale water supplier, provides and distributes water only to the end users within its service boundaries, and does not provide water to another public water system except in an emergency.

[(1)] (2) [Notwithstanding any other provision of law, public] Except as provided in Subsection 19-4-104(1)(a)(i), water supplies, whether state, county, municipal, or district, [shall] may not have fluorine or any of its derivatives or compounds added to or removed from them without the approval of a majority of voters in an election in the area affected. An election shall be held upon the:

(a) filing of an initiative petition requesting the action in accordance with state law governing initiative petitions;



(b) in the case of a municipal, special district, or county water system, passage of a resolution by the legislative body or special district board representing the affected voters, submitting the question to the affected voters at the next regular general election or municipal general election; or

(c) in a county of the first or second class, passage of a resolution by the county commission to place an opinion question relating to all public water systems within the county, except as provided in Subsection ~~[(2)]~~ (3), on the ballot at the next general election.

~~[(2)]~~ (3) If a majority of voters on an opinion question under Subsection ~~[(1)]~~ (2)(c) approve the addition of fluorine to or the removal of fluorine from the public water supplies within the county, the local health departments shall require the addition of fluorine to or the removal of fluorine from all public water supplies within that county other than those systems:

(a) that are functionally separate from any other public water systems in that county; and

(b) where a majority of the voters served by the public water system voted against the addition or removal of fluorine on the opinion question under Subsection ~~[(1)]~~ (2)(c).

~~[(3)]~~ (4) Nothing contained in this section prohibits the addition of chlorine or other water purifying agents.

~~[(4)]~~ (5) Any political subdivision which, prior to November 2, 1976, decided to and was adding fluorine or any of its derivatives or compounds to the drinking water is considered to have complied with Subsection ~~[(1)]~~ (2).